

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: May 13, 2008
Public Hearing: June 3, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, Spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance releasing a condition placed on property by Ordinance No. 15672, which changed the zoning of a portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey No. 266, City of El Paso, El Paso County, Texas. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: Redd Road North of Helen of Troy Drive Applicant: Hunt Communities Holding, LP ZON08-00019 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

CITY CLERK DEPT.
09 MAY -2 AM 10:30

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: P. Adams

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 15672 WHICH CHANGED THE ZONING OF A PORTION OF TRACTS 1B4 AND 1B4C, S. J. LARKIN SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey No. 266, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15672, approved by City Council on January 20, 2004; and,

WHEREAS, the rezoning was subject to the following zoning condition on Parcel 9:

“A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits”; and,

WHEREAS, placement of such condition was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the above condition on the above described property; and,

WHEREAS, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the release; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of the above condition will protect the best interest, health, safety and welfare of the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That zoning condition imposed by Ordinance No. 15672 dated January 20, 2004 requiring that “a ten-foot (10') wide landscaped buffer be released on the portion of land identified in Exhibit “A”.
2. Except as herein amended, Ordinance 15672 shall remain in full force and effect.

CITY CLERK DEPT.
09MAY-2 4:10:29

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

CITY CLERK DEPT.
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Property description: A 2.914-acre portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey 266, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 2.914-acre portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey 266 (September 10, 1949, Book 945, Page 405, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline intersection of Redd Road (110-foot right-of-way; Lomas Del Sol Subdivision Unit Two, Book 80, Pages 30 and 30A, Plat Records, El Paso County, Texas) and Helen of Troy Drive (84-foot right-of-way, Lomas Del Sol Subdivision Unit Two, Book 80, Pages 30 and 30A, Plat Records, El Paso County, Texas), from which a city monument at the centerline intersection of Redd Road and Parque Del Sol Drive (52-foot right-of-way, Lomas Del Sol Subdivision Unit Two) bears South 27°58'25" East, a distance of 586.86 feet; Thence, North 35°49'52" West, along the centerline of Redd Road, a distance of 95.04 feet; Thence, 322.09 feet continuing along said centerline and along the arc of a curve to the left, having a radius of 1000.90 feet, a central angle of 18°26'15", and a chord which bears North 45°34'47" West, a distance of 320.70 feet to the northerly boundary of The Plaza at Lomas Del Sol - Unit Two (Book 80, Page 32, Plat Records, El Paso County, Texas); Thence, North 53°41'33" East, along said boundary, a distance of 57.83 feet to the westerly boundary of that certain parcel of land described November 1, 2006, in Clerk's File No. 2006108296 (Exhibit "A"), El Paso County Clerk's Records, El Paso County, Texas; Thence, 580.97 feet along the arc of a curve to the left, having a radius of 1055.90 feet, a central angle of 31°31'29", and a chord which bears North 69°33'57" West, a distance of 573.67 feet; Thence, North 85°19'41" West, a distance of 345.35 feet; Thence, 671.03 feet along the arc of a curve to the right, having a radius of 935.51 feet, a central angle of 41°05'53", and a chord which bears North 64°46'45" West, a distance of 656.74 feet to the **POINT OF BEGINNING** of this description;

THENCE, 123.25 feet along the arc of a curve to the right, having a radius of 935.51 feet, a central angle of 07°32'55", and a chord which bears North 40°27'21" West, a distance of 123.16 feet;

THENCE, North 36°40'53" West, a distance of 111.55 feet;

THENCE, North 53°19'07" East, a distance of 132.51 feet to the common boundary between S.J. Larkin Survey 266 and Nellie D. Mundy Survey 242 (September 10, 1949, Book 945, Page 411, Deed Records, El Paso County, Texas);

THENCE, South 89°55'56" East, along the northerly boundary of S.J. Larkin Survey 266, at 55.88 feet passing the southwest corner of S.J. Larkin Survey 267, a total distance of 606.38 feet to the intersection of the common boundary between S.J. Larkin Survey 266 and S.J. Larkin Survey 267 (January 25, 1956, Book 1272, Page 325, Deed Records, El Paso County, Texas) and the westerly boundary of that certain parcel of land described January 20, 2004, in Book 4825, Page 1944 (Parcel 13), Deed Records, El Paso County, Texas;

THENCE, South 00°01'04" West, along said westerly boundary, a distance of 246.80 feet to the northerly boundary of that certain parcel of land described January 20, 2004, in Book 4825, Page 1944 (Parcel 10), Deed Records, El Paso County, Texas;

THENCE, North 74°59'43" West, along said boundary, a distance of 197.32 feet;

THENCE, North 61°01'48" West, continuing along said boundary, a distance of 189.62 feet to a set 5/8" rebar with cap marked "RPLS 4178";

THENCE, South 53°01'31" West, continuing along said boundary, a distance of 262.27 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 2.914 acres (126,946 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 07-0017
February 26, 2008

Cimarron 4 rezoning.doc

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EXHIBIT A
PG. 1 OF 2

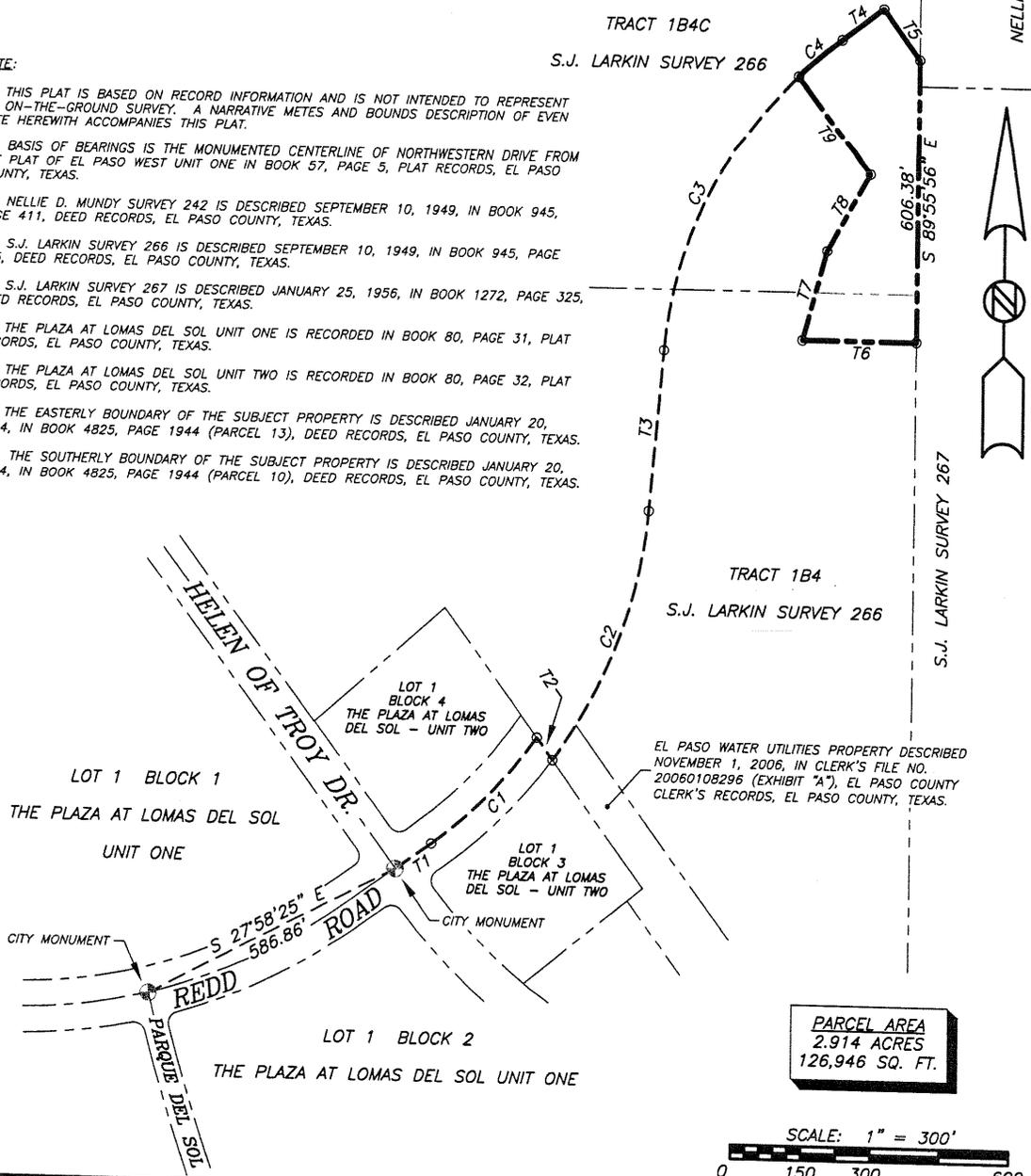
NUMBER	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	18°26'15"	1000.90	322.09	162.45	320.70	N 45°34'47" W
C2	31°31'29"	1055.90	580.97	298.04	573.67	N 69°33'57" W
C3	41°05'53"	935.51	671.03	350.68	656.74	N 64°46'45" W
C4	07°32'55"	935.51	123.25	61.72	123.16	N 40°27'21" W

NUMBER	BEARING	DISTANCE
T1	N 35°49'52" W	95.04'
T2	N 53°41'33" E	57.83'
T3	N 85°19'41" W	345.35'
T4	N 36°40'53" W	111.55'
T5	N 53°19'07" E	132.51'

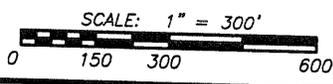
NUMBER	BEARING	DISTANCE
T6	S 00°01'04" W	246.80'
T7	N 74°59'43" W	197.32'
T8	N 61°01'48" W	189.62'
T9	S 53°01'31" W	262.27'

NOTE:

- THIS PLAT IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
- BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
- NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
- S.J. LARKIN SURVEY 266 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 405, DEED RECORDS, EL PASO COUNTY, TEXAS.
- S.J. LARKIN SURVEY 267 IS DESCRIBED JANUARY 25, 1956, IN BOOK 1272, PAGE 325, DEED RECORDS, EL PASO COUNTY, TEXAS.
- THE PLAZA AT LOMAS DEL SOL UNIT ONE IS RECORDED IN BOOK 80, PAGE 31, PLAT RECORDS, EL PASO COUNTY, TEXAS.
- THE PLAZA AT LOMAS DEL SOL UNIT TWO IS RECORDED IN BOOK 80, PAGE 32, PLAT RECORDS, EL PASO COUNTY, TEXAS.
- THE EASTERLY BOUNDARY OF THE SUBJECT PROPERTY IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944 (PARCEL 13), DEED RECORDS, EL PASO COUNTY, TEXAS.
- THE SOUTHERLY BOUNDARY OF THE SUBJECT PROPERTY IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944 (PARCEL 10), DEED RECORDS, EL PASO COUNTY, TEXAS.



PARCEL AREA
2.914 ACRES
126,946 SQ. FT.



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

A 2.914-ACRE PORTION OF TRACTS 1B4 AND 1B4C, S.J. LARKIN SURVEY 266, EL PASO, EL PASO COUNTY, TEXAS.

DATE:	02-26-08
SCALE:	1" = 300'
DRAWN BY:	RRS
CHECKED BY:	RRS
FIELD BOOK:	~
FILE #:	07-0017

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EXHIBIT A
PG. 2 OF 2

CITY CLERK DEPT.
09 MAY - 2 AM 10:30



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: April 10, 2008
TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: ZON08-00019

The City Plan Commission (CPC), on April 10, 2008, voted (7-0) to recommend **APPROVAL** of releasing the condition imposed with Ordinance 15672, dated January 20, 2004 that requires that a 10' landscaped buffer to include, but not limited to evergreen trees placed 15' on center where the property is adjacent to residential or apartment zoning districts for the property. The condition is being released as the property is being presented for a change of zoning from C-3/c (Commercial/conditions) to R-3A (Residential) in the related case ZON08-00012.

The CPC found that although the rezoning is not in conformance with The Plan for El Paso or the Year 2025 Projected General Land Use map that designates the property for **Commercial** uses; it is in conformance with the increased demand for single-family residential homes in the area and the adjacent residential development proposed in the area. The CPC determined that the release of the condition protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

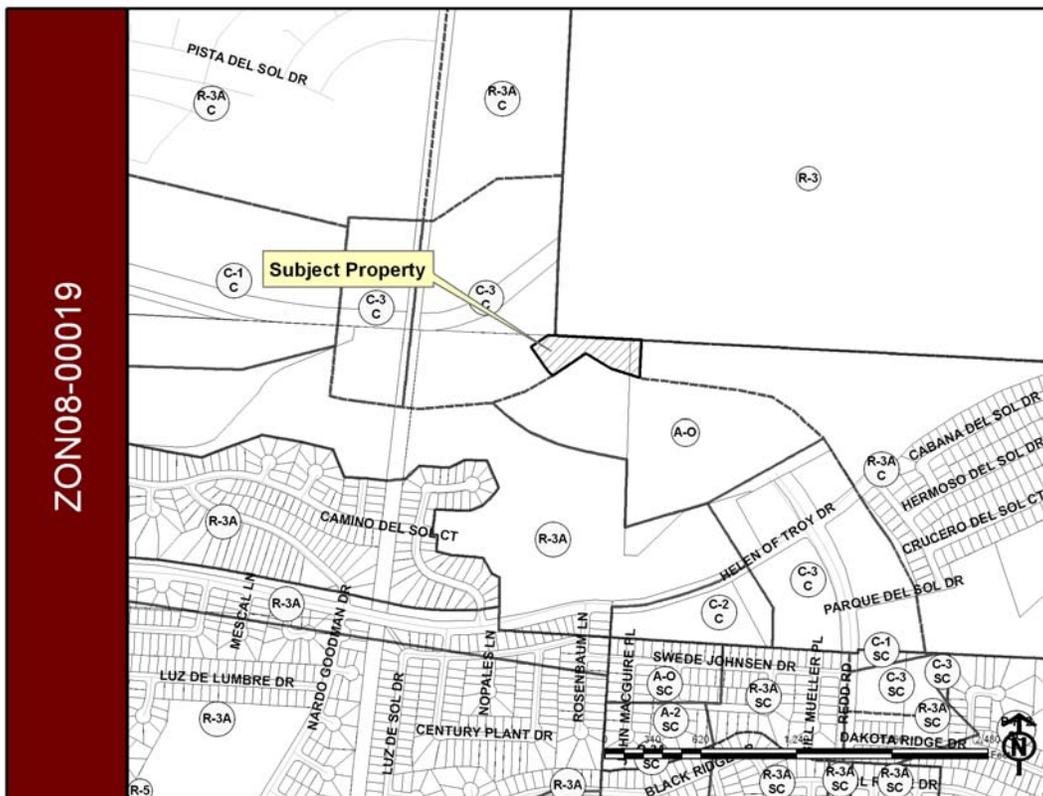
There was one call in **SUPPORT** to the request and **NO OPPOSITION** to this request.

Attachment: Staff Report, Survey, Subdivision Plat, Zoning Condition, Application



ZON08-00019

Application Type: Zoning Condition Release
Property Owner(s): Hunt Communities Holding, LP
Representative(s): CSA Design Group
Legal Description: A portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas
Location: Redd Road North of Helen of Troy Drive
Representative District: 1
Area: 2.914 acres
Present Zoning: C-3/c (Commercial/conditions)
Present Use: Vacant
Request: Release condition requiring landscaped buffer due to rezoning to R-3A (Residential)
Proposed Use: Single-family Residential Subdivision
Recognized Neighborhood Associations Contacted: Coronado Neighborhood Association; Upper Mesa Hills Neighborhood Association; Save the Valley; Texas Apache Nations, Inc.
Public Response: One call in support
Surrounding Land Uses: North – R-3 & C-3/c / Vacant; South – A-O / Vacant; East – R-3A/c / Vacant; West- C-3/c / Vacant
Year 2025 Designation: Commercial (Northwest)



ZON08-00019

General Information:

The applicants are requesting release of conditions requiring a landscaped buffer where abutting residential or apartment zoning for a 2.914 acre portion of the property. The applicants are requesting the condition release because they are also requesting a change of zoning from C-3/c (Commercial/conditions) to R-3A (Residential) in order to permit a single-family residential subdivision. The applicants are requesting that the condition remain on the portion of Parcel 9 that will remain C-3/c (Commercial/conditions). The applicants are proposing 11 single-family residential lots and a drainage right-of-way. The property is 2.914 acres in size and is vacant. Access is proposed via Northern Pass (Redd Road). There is one condition imposed on the property with Ordinance 15672, dated January 20, 2004:

A 10' wide landscaped buffer, to include, but not limited to, evergreen trees placed 15' on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

The applicants are also requesting to change the zoning on the subject property from C-3/c (Commercial/conditions) to R-3A (Residential) with case ZON08-00012.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request to release the condition on the property, contingent on the approval of the related zoning request to residential.

The recommendation is based on the following:

The proposed change in zoning will permit the continuation of the adjacent development of single-family residential homes. The development within the area has shown that there is an increased demand for residential uses despite the projected commercial use in the 2025 Projected General Land Use Map. The change in zoning to residential will negate the need for additional screening on the subject property will be residentially zoned.

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso:

“Develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.”

“Provide a wide range of housing types that respond to the needs of all economic segments of the community.”

The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for **Commercial** land uses.

R-3A zoning permits single-family residential development and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will neighborhood retail be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city’s Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:

Zoning Review: No comments received

Landscape Review: No comments received

Development Services Department - Planning Division:

Current Planning: Recommends approval of the change of zoning from C-3/c (Commercial/conditions) to R-3A (Residential). The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Commercial** land uses. **R-3A (Residential)** zoning permits single-family residential and **is** compatible with adjacent development

Subdivision Review: The site location is not located within a Special Flood Hazard Area. Flood zone **C**
Panel(s): **480214 0017 C**

The following requirements will be applied at the time of development

1. ADA Accessible sidewalks, wheelchair ramp(s) and driveways will be required.
2. Grading Plan shall be required.
3. Storm Water Pollution Prevention Plan and/or Permit will be required.
4. Drainage plans must be approved by the Development Services Department – Engineering Section.

Engineering Department - Traffic Division:

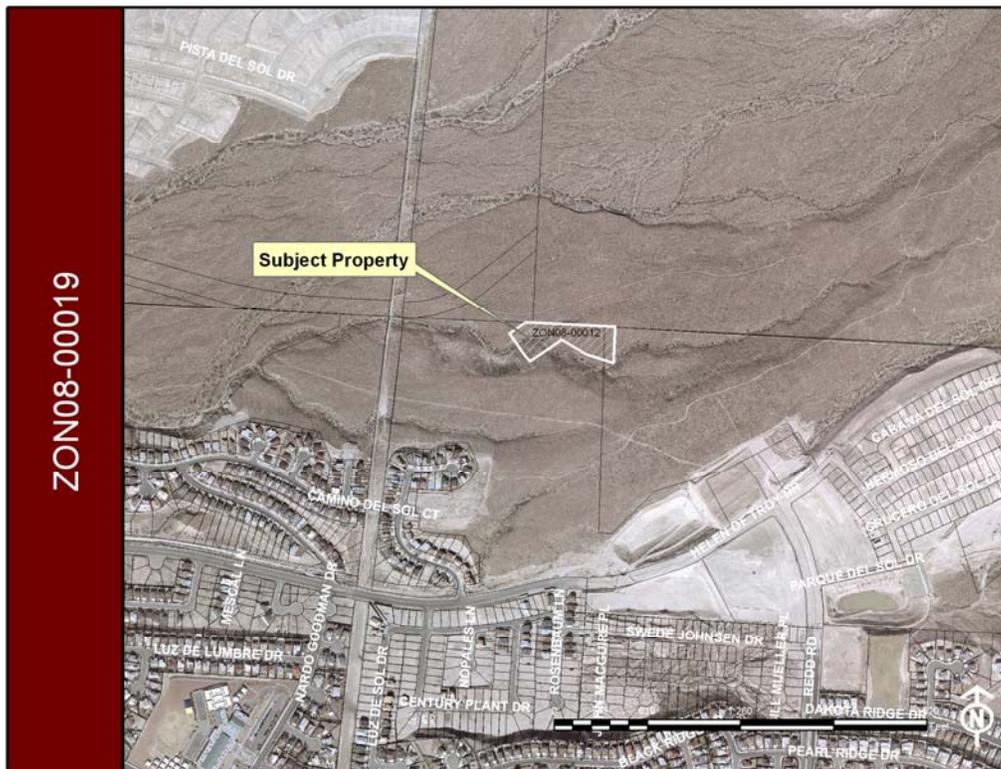
No apparent traffic concerns.

Fire Department:

No comments received.

El Paso Water Utilities:

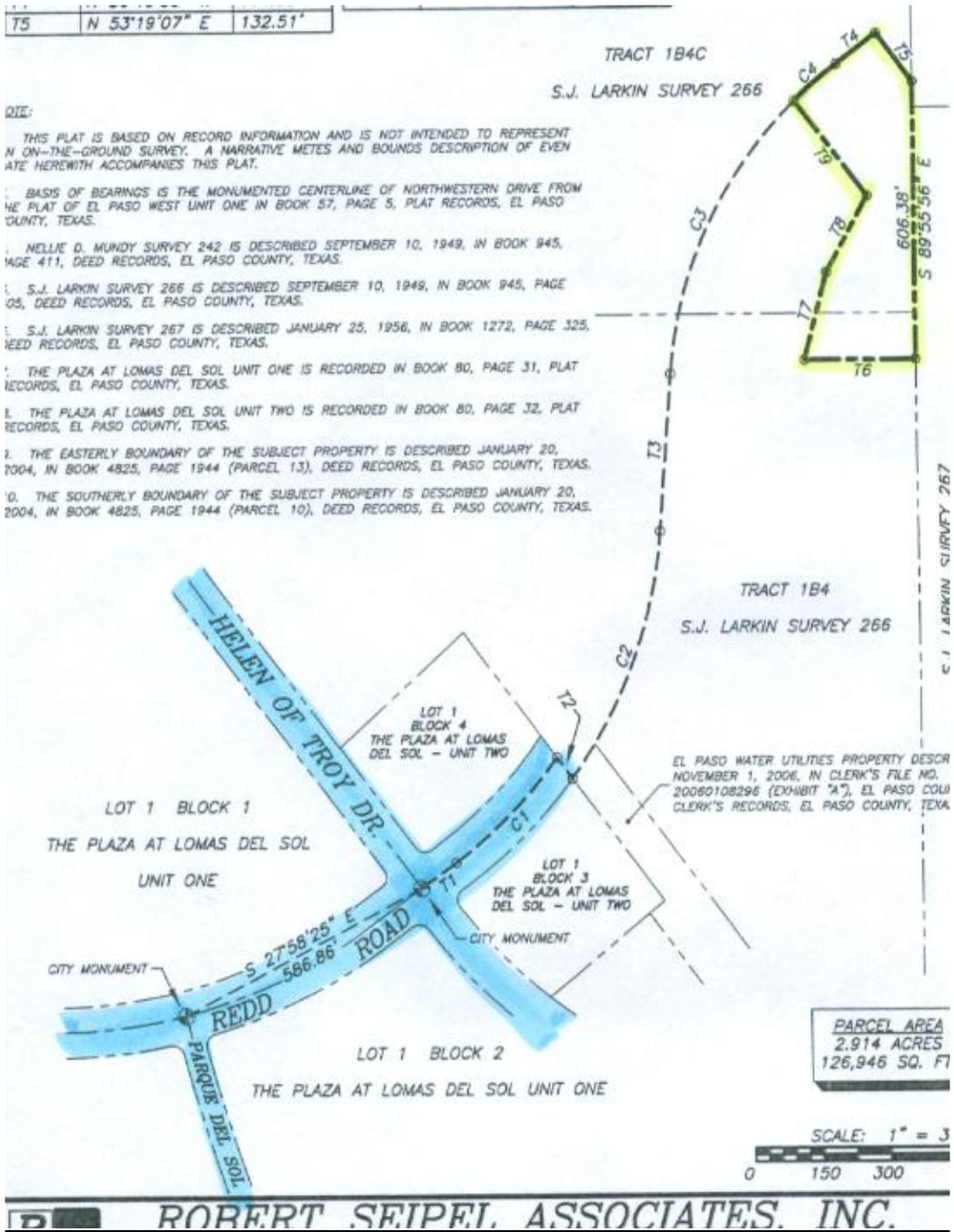
EPWU does not object to this request.



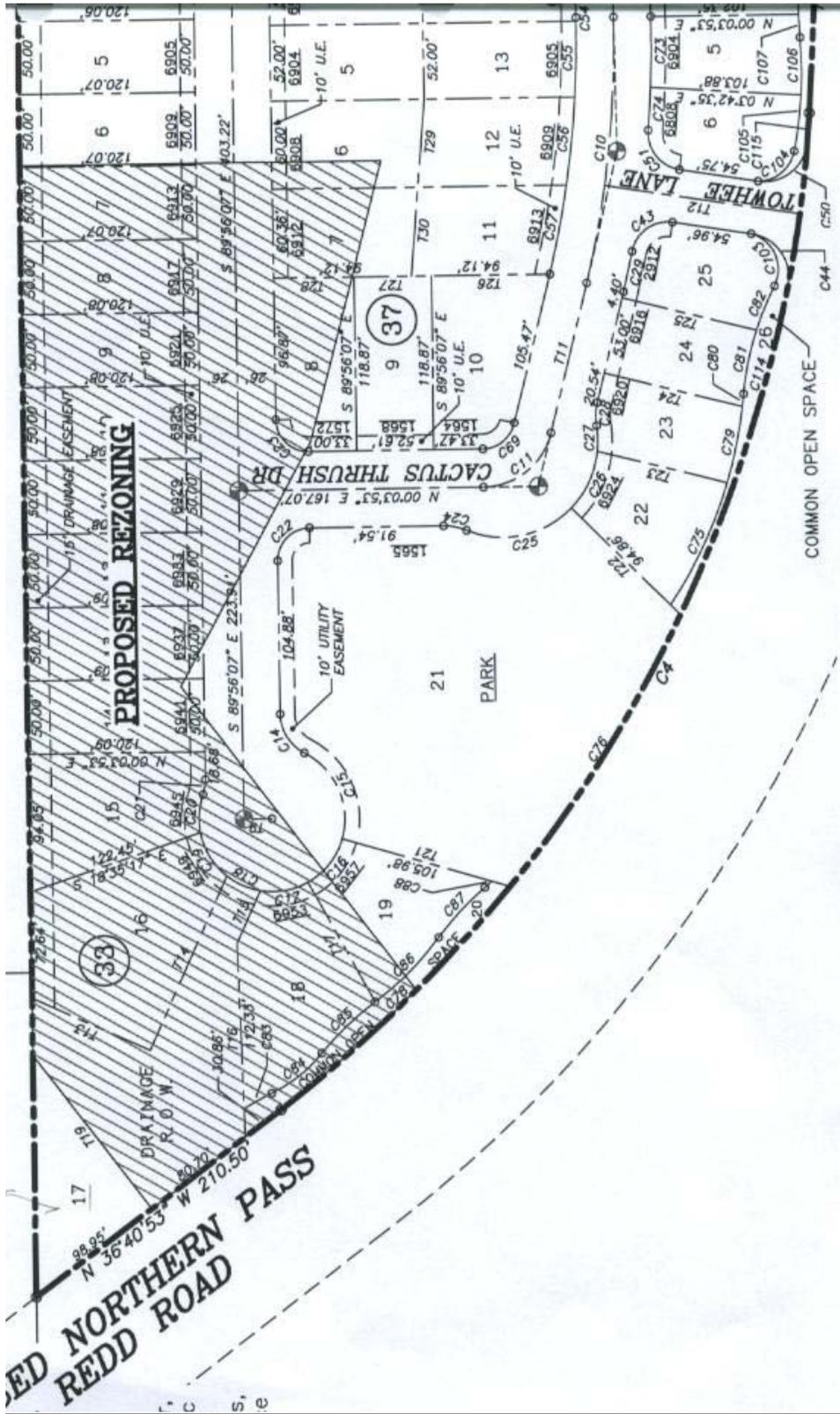
ATTACHMENTS:

- Attachment 1: Survey
- Attachment 2: Subdivision Plat
- Attachment 3: Zoning Condition (Parcel 9)
- Attachment 4: Application

ATTACHMENT 1: SURVEY



ATTACHMENT 2: SUBDIVISION PLAT



ATTACHMENT 3: ZONING CONDITION

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

- Parcel 1: From R-3 (Residential) to C-1 (Commercial)
- Parcel 2: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 3: From R-3 (Residential) to C-1 (Commercial)
- Parcel 4: From R-3 (Residential) to R-3A (Residential)
- Parcel 5: From R-3 (Residential) to C-1 (Commercial)
- Parcel 6: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 7: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 8: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 9: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 10: From R-3 (Residential) to A-O (Apartment/Office)
- Parcel 11: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 12: From R-3 (Residential) to R-3A (Residential)
- Parcel 13: From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

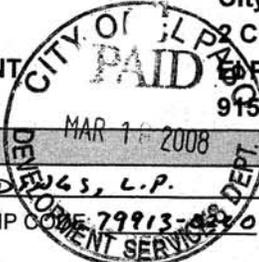
A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

ATTACHMENT 4: APPLICATION



ZONING CONDITION AMENDMENT OR
RELEASE APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): Hunt Community Holdings, L.P.
ADDRESS: 4401 N. Mesa ZIP CODE: 79913-0320 PHONE: 533-1122 x 1391
APPLICANT(S): _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
REPRESENTATIVE(S): CSA Design Group - Wayne Grinnell, CRE, AICP
ADDRESS: 1845 Northwestern, Suite C ZIP CODE: 79912 PHONE: 877-4155
E-MAIL ADDRESS: grinnell.w@csaengineers.com FAX: 877-4334

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: Portion Tract 184, S.J. Larkin Survey 266, El Paso
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: 8
ACREAGE: 2.914 PRESENT ZONING: C-3(c) PRESENT LAND USE: Vacant
REASON FO REQUEST: Boundary of commercial site being relocated - contract amendment to retain obligations as boundary moves

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
REASON FO REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
REASON FO REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Hunt Communities Signature: _____
HOLDING, L.P.
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: [Signature]

Note: Signatures are required for all owners of record for the property proposed for condition release. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
ZON 08-00019 RECEIVED DATE: 3/19/08 APPLICATION FEE: \$190.00
DCC REVIEW DATE: 3/26/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 4/10/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 4/2007

5028c

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